

**MINUTES**  
**SANDY CITY COUNCIL MEETING**  
Sandy City Hall - Council Chamber Room #211  
10000 Centennial Parkway  
Sandy, Utah 84070

**July 1, 2008**

Meeting was commenced at 7:00 p.m.

**PRESENT:**

**Council Members:** Chairman Scott Cowdell, Vice Chairman Stephen Smith, Bryant Anderson, Steve Fairbanks, Linda Martinez Saville, and Dennis Tenney

**Mayor:** Tom Dolan

**Others in Attendance:** CAO Byron Jorgenson; City Attorney Walter Miller; Assistant Community Development Director Nick Duerksen; Assistant CAO Scott Bond; Public Utilities Director Shane Pace; Economic Development Director Randy Sant; Police Chief Stephen Chapman; Assistant to the CAO Korban Lee; Parks & Recreation Director Nancy Shay; Council Office Director Phil Glenn; Council Executive Secretary Wendy Densley

**ABSENT/EXCUSED:** Chris McCandless

**1. OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by Korban Lee, Assistant to the CAO, and the Pledge was led by Brian McCuiston, Zoning Administrator.

**2. CITIZEN(S) COMMENTS:**

- a. **John Winder**, 9888 Darin Dr., sang to the Council and audience, the Star Spangled Banner.  
[7:00:41 PM](#)
- b. **Andrew Glad**, 9164 S. 220 E., told the story of the City's first 4th of July parade in 1966. He feels it is wonderful that the parade and the 4<sup>th</sup> of July events have grown to what they are today.  
[7:05:39 PM](#)
- c. **Kristy Ellis**, 12063 Pine Ridge Rd, expressed her appreciation to the Council for the opportunity to express her concerns. Her concern is with a neighbor in her neighborhood who owns pit bulls who get loose and roam the neighborhood. She is concerned that the animal ordinance isn't strict enough for pit bull owners. She would like to see the pit bull breed banned in Sandy.  
[7:07:25 PM](#)
- d. **Ashley Smith**, 12054 Woodridge Road, explained that she was asked by Kristy Ellis to come in and share her story of a pit bill attack she endured 9 years ago. She said she doesn't have any animosity towards dog owners or dogs. She was lucky to have escaped with just her ear being bitten and injured. She feels that it is in pit bulls' nature to be an aggressive dog and doesn't feel they are safe for neighborhoods. [7:10:06 PM](#)

**3. SPECIAL PRESENTATION:**

- a. **National Trails Day Efforts:** [7:12:43 PM](#)  
REI, Cottonwood Canyons Foundation, National Forest Service/Salt Lake Ranger District

**Discussion:** Nancy shay introduced Melissa Homer who was the project coordinator for the Parks and Recreation Department for the National Trails Day. Ms. Homer gave a brief powerpoint presentation on

the Quail Hollow Trail project that was completed on National Trails Day, June 7, 2008.

**Mayor Dolan, Scott Cowdell and Nancy Shay** presented REI, the Cottonwood Canyons Foundation, the National Forest Service and the Salt Lake Ranger District with proclamations for the hard work and service they put forth to the National Trails day on June 7, 2008.

**PUBLIC HEARING(S):**

4. **Code Amendment: Procedures for Development in CBD, CBD-O, and CBD-P Districts 7:00 p.m. (B. McCuiston) 7:23:15 PM**

Public Hearing to consider the following: A Code Amendment to Section 15-04-03(A) to include sub-sections 4-13, Procedures for Development in CBD, CBD-O, and CBD-P Districts, Title 15, Land Development Code, Revised Ordinances of Sandy City. It is proposed to modify regulations regarding land coverage, residential users, architectural designs and material, landscaping, parking areas, building setbacks, and building heights within the CBD-O and CBD-P Districts.

**Discussion:**

**Brian McCuiston gave a presentation of the Code Amendment to Section 15 -04-03(A).**

**BACKGROUND**

Mr. Russell Platt, representing Lloyd Platt Associates Architecture, has filed a request to amend Section 15-04-03(A) 15-04-03(A) to include sub-sections 4-13, Procedures for Development in CBD, CBD-O, and CBD-P Districts, Title 15, Land Development Code, Revised Ordinances of Sandy City. The purpose of the Code Amendment is to consider modifications to regulations regarding development within the CBD-O and CBD-P Zoning Districts. The proposed changes have been attached as Exhibit "A".

**PROPOSAL**

It is proposed to make some modifications to regulations regarding land coverage, residential uses, architectural design and materials, landscaping, parking areas, building setbacks, and building heights within the CBD-O and CBD-P Zoning Districts. The proposed modification will aid in the development of the Proscenium project located at approximately 10100 South Centennial Parkway.

**ZONING HISTORY**

The City Council approved the CBD along with the two sub-districts in February 1991 (Ordinance #91-14). The purpose of the CBD was established to stimulate economic development by providing a unique planning environment for large scale regional commercial and office development adjacent to Interstate 15. This district encourages creative development and site design for regional commercial and office uses which will serve the south valley area.

**NON-CONFORMING USES**

This Code Amendment would not create any non-conforming situations since the Code Amendment would allow flexibility on future development projects.

**LAND DEVELOPMENT CODE PURPOSE COMPLIANCE**

The Sandy City Land Development Code in §15-01-03 lists the nine criteria explaining the intent and purpose of the Ordinance. The purpose and criteria are:

**15-01-03 Purpose**

This Code shall establish Zone Districts within Sandy City. It shall provide regulations within said districts with respect to the use, location, height of buildings and structures, the use of land, the size of lots, yards and other open spaces, and the density of population. This Code shall provide methods of administration and enforcement and provide penalties for the violation thereof. It shall establish boards and commissions and define their powers and duties. It shall also provide for planned development within

Sandy City. Specifically, this Code is established to promote the following purposes:

**General**

1. To enhance the economic well-being of Sandy City and its inhabitants;
2. To stabilize property values;
3. To facilitate adequate provision for transportation, water, sewage, schools, parks and other public requirements;
4. To facilitate the orderly growth and development of Sandy City;

**Implementation of General Plan**

5. To coordinate and ensure the execution of the City's General Plan through effective implementation of development review requirements, adequate facility and services review and other goals, policies or programs contained in the General Plan.

**Comprehensive, Consistent and Equitable Regulations**

6. To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

**Efficiently and Effectively Managed Procedures**

7. To promote fair procedures that are efficient and effective in terms of time and expense;
8. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed and elected officials; and
9. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The proposed Code Amendment will create consistency and equitable standards under which current and future developments within the CBD-O and CBD-P Districts will be evaluated.

**GENERAL PLAN COMPLIANCE**

The City Council adopted the Sandy City Downtown Illustrative Master Plan in July 2002. This document was prepared to guide the future development of the central business and commercial district in Sandy. The plan provides a number of recommendations for the development within the downtown area. One of the main focuses of the recommendations is to encourage mixed-use developments that include commercial office, retail, residential, and entertainment within the Central Business District.

One of the commercial retail recommendations include "Retrofit or replace single use/single story retail developments throughout the district with better integrated and higher density mixed-use developments that include commercial office and/or residential uses on upper floors". Although the Proscenium project is not retrofitting or replacing a single story or single use building, it is a mixed-use development that will offer a mix of retail, office, entertainment, and residential uses.

The commercial office recommendations include "Encouraging transit ridership programs for commuting employees". The proposed project will be able to take advantage of public transit due to the fact that the site will be within walking distance to both a commuter train station (future) and existing TRAX and bus station.

One of the residential recommendations states "Focus new central business district residential development around Centennial Parkway to increase evening activity and maximize the use of the valuable community resource". The proposed project will bring new residential units to the Central Business District as well as a number of entertainment sources that will bring much needed evening activity to this area to act synergistically with already existing land uses.

#### **STAFF RECOMMENDATION**

The Community Development Department requested that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in exhibit "A", attached, for the following reasons:

1. Compliance with the Purpose of the Land Development Code by creating consistency and equitable standards under which current and future developments within the CBD-O and CBD-P Districts will be evaluated.
2. Compliance with the Goals and Policies of the General Plan by encouraging high density mixed-use developments that include commercial office, retail, residential, and entertainment activities in the Central Business District.

**Chairman Cowdell opened the public hearing for comments.**

**Cathy Spuck**, 8260 S. 560 E., is concerned with the change in the height restriction. She is concerned that the height of the buildings will block the views of the mountains. [7:32:17 PM](#)

**Chairman Cowdell closed the public hearing.**

#### **Council Discussion:**

**Mayor Dolan** said he would like the planning department and the Planning Commission to, under the direction of the Council, work on deciding whether new projects need to be ecologically friendly projects. He explained that the Proscenium project is a proposed green certified project.

**Steve Fairbanks** said he understands the concerns for the height of the building, but given the location of where this project is proposed he feels it would be a great place to have a high-rise building. He doesn't feel that the views of many will be impacted in a negative way. Overall, he feels it will be extremely beneficial to the community. [7:34:50 PM](#)

**Stephen Smith** said that while reading through the proposed changes, he feels that the original intent of these zones is being completely taken away. He is conflicted because he likes the project and feels it can bring great things to the community, but feels that there is an obligation to existing land owners that deserve just as much as the new land owners. He is concerned that there is nothing in the ordinance that would limit the height of any building or lot coverage other than the approval of the Planning Commission. [7:35:57 PM](#)

**Bryant Anderson** said that this developer has some unusual talents and abilities, that with his vision makes this building more than just a building. He likes the idea of it being a mixed use project and tying in the arts aspect. He agrees with Steve Fairbanks that this is a prime location in Sandy which could accommodate the size of this project. [7:39:23 PM](#)

**Linda Martinez Saville** said that she feels that if the citizens were opposed to this project, there would have been more comments made during the public hearing. She agrees with the other councilmen that this is a prime location for a project of this size. [7:42:46 PM](#)

**Dennis Tenney** asked staff if the Planning Commission restricts or approves something that the developer or someone else is not satisfied with, would there still be an appeal process available? [7:43:37 PM](#)

**Wally Miller** explained that if there is no conditional use element, then no, there is no appeal process that can be

taken back to Council.

**Dennis Tenney** asked if the Planning Commission makes a decision about the project that the developer is not satisfied with, what is the appeal process.

**Nick Duerksen** reported that it would be appealed to the Board of Adjustment, if they are not satisfied with that decision it then would go to District Court.

**Dennis Tenney** asked what the reasoning was in giving the Planning Commission such broad latitude with these changes.

**James Sorenson** explained that this is a large project and differs from others that have been done in the area. Due to the size of the project it requires the Planning Commission to look at it several times and have some latitude on the architectural design themes. The red brick and granite themes of past are quite different than these new themes. Some of the standards are subjective, but most standards in the zone are very tight and stringent.

[7:46:13 PM](#)

**Wally Miller** reported that Randy Sant has clarified that with money potentially coming from the Sandy RDA it will come to the Council as the Redevelopment Agency Board before any approvals are made.

**Dennis Tenney** said that the Planning Commission has a well deserved reputation for making developers stick to high standards of materials and architectural design. He feels this is a great opportunity for Sandy to have a large project that will draw in people from outside cities.

**Scott Cowdell** said that he is not comfortable giving the Planning Commission total discretion on how many stories these buildings can be. He is concerned about the mix allowed for hardscape and landscaping for this project. He feels that there is a need for hardscape to house people (parking) that will be attending this project. [7:52:41 PM](#)

**Brian McCuiston** explained that in the amendments, that the lot coverage is allowing up to 60% hardscape and 40% other, but 10% is reserved for landscape, a total of 90% [when including parking] is allowed for non landscape coverage.

**Stephen Smith** commented that the 10% landscape element could include plazas and walkways with potentially no live green plantings.

**Motion:** **Dennis Tenney made a motion to delay the decision on this item until all 7 members are present, two weeks from tonight.**

**Second:** **Linda Martinez Saville**

**Vote:** **Tenney – Yes, Saville – Yes, Smith – Yes, Anderson- No, Fairbanks- Yes, McCandless- absent, Cowdell- Yes**

**Motion Approved: five members voted yes, one voted no, and one member absent.**

#### **COUNCIL ITEMS(S):**

#### **5. Board Member Council Member Recommendations for the Sandy City Arts Guild** [8:00:59 PM](#)

##### **Discussion:**

**Phil Glenn** explained that a few weeks ago a request was made for potential names for those to serve on the Arts Guild.

Several members of the Council reported that they are working on getting names of those who would like to serve.

#### **6. School District Election Report/Update**

**Discussion:** [8:02:29 PM](#)

**Korban Lee** reported that the new school board was elected last Tuesday. He reported that the seven board members have met with the education transition team, to review the applications for the superintendent. He reported that the new members will be sworn in on July 15 at the Jordan School District Offices.

The Asset Transition team is anticipating potential arbitration for the division of assets. They have obtained legal council to help prepare their case to an arbitration committee. They are working on several studies to help with their arguments.

**Dennis Tenney** asked that if this issue does go to arbitration what time frame are they looking at. [8:08:36 PM](#)

**Korban Lee** reported that it could possibly take until the beginning of the new year.

**7. Council Member Input / Issues for Council Consideration** [8:11:52 PM](#)

**Discussion:**

**Chairman Cowdell** explained that this is a request he has as chairman that each member of the Council come back in the next two weeks with issues they would like worked on or resolved in the next six months.

**MINUTES:**

**8. Approving the May 27, 2008 City Council Meeting Minutes.** [8:12:35 PM](#)

**Motion:** **Steve Fairbanks made a motion to approve the minutes of the May 27, 2008 Sandy City Council Meeting.**

**Second:** **Dennis Tenney**

**Vote:** **The Council voted in the affirmative to the motion.**

**All in Favor**

**9. MAYOR'S REPORT** [8:13:08 PM](#)

- a. Mayor Dolan reported that an Economic Advisory Council has been meeting for the past five months. He explained that state law requires cities to re-exam their master plans every five years. This committee was in the process of discussing what businesses and citizens would like to see happen in Sandy in the next five to ten years. They have looked to Envision Utah to help maintain information regarding this. They are preparing to present this information to the Council in the near future.
- b. He reported that he had the opportunity to meet and tour the Soccer stadium with the new president of ReAL Salt Lake. He is a former marketing director for several professional sports teams. He reported that the City will receive 500 tickets per game to distribute to the community. He then gave a brief update on the status of the soccer stadium construction.
- c. He reported that he has been appointed to the Central Utah Project Executive Committee and has been attending meetings for some three months. He feels that it is very helpful to have a city representative on this board to represent the cities' needs.

**10. CAO'S REPORT** [8:21:01 PM](#)

- a. Shane Pace reported the city will be sending letters including gas cards to residents affected by the street closure of the South Little Cottonwood Canyon Road.
- b. Byron Jorgenson said that sales tax receipts for April are down about \$120,000 below planned projections.
- c. Scott Bond gave an update to the council on possible site visits to Durham, North Carolina to visit

art facilities.

11. **COUNCIL OFFICE DIRECTOR'S REPORT** [8:33:02 PM](#)

- a. Phil Glenn handed out the calendar updating the council on upcoming events. He gave an update regarding the July 4<sup>th</sup> events. He also reminded the council of the Horse Parade on Saturday, July 12<sup>th</sup> at 10:00 a.m.

12. **OTHER COUNCIL BUSINESS**

- a. Dennis Tenney gave the administration an article about bogus speed bumps that are painted to look three dimensional to slow traffic down. [8:37:23 PM](#)
- b. Bryant Anderson commented on the ten hour work day. He feels that working a 4 day ten hour work week doesn't save any energy for his company. [8:38:00 PM](#)

**At approximately 8:40 p.m., Stephen Smith made a motion to adjourn Council Meeting, motion seconded by Steve Fairbanks.**

**The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.**

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**Scott Cowdell**  
**Council Chairman**

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**Wendy Densley**  
**Council Office Executive Secretary**

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